

us. There are those like Khalid Sheikh Mohammed, whose works you just read, who despise us and who desire to kill us. If we do not deal with them fairly, but also according to law, then we've betrayed the tradition of this Nation.

Never ever, in the history of this Nation, have we taken war criminals, people who have committed acts of terrorism under the auspices of an organization—here, al Qaeda—led by a leader—here, Osama bin Laden—that has declared war formally and in writing against the United States and said somebody acting on behalf of that organization, having as an organization declared war against the United States, having engaged then in acts of war, shall be tried in American criminal courts designed to deal with criminals who commit common crimes against other citizens of this Nation. This is a betrayal of our soldiers, and it puts our Nation and puts our soldiers at grave risk.

I believe Attorney General Holder will rue the day they made this decision and rue the day when someone is captured or killed in New York or held hostage as a result of this irresponsible conduct. And even if that doesn't happen, it, alone, is a betrayal of the system we have followed since the founding of this Nation where those accused of war crimes are tried in military tribunals.

Mr. GOHMERT. I appreciate so much my friend's wonderful points.

We understand the President just recently, because of the lack of understanding of our military history and the Nation's history, is perhaps apparently the first President ever to fail to understand and believe that President Truman did the right thing in dropping the two bombs that they did.

And so if you are an apologist for America, you believe that consistently we have done the wrong things, you have never been really proud of America before, you don't know that the Japanese had committed to dig in and had planned to withstand an assault even to the death of every single Japanese person on the island of Japan.

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If you don't know these facts, if you don't know the fact that perhaps millions of lives were saved by dropping those two bombs because it brought the war to an end rather than forcing the Japanese, as their leaders intended to do, to die to the last person to repel an invasion, then you would be an apologist, if you simply don't know the facts. But this puts us further at risk. We just simply cannot bow to this.

The answer will be when the American people respond and let the White House know and let the Department of Justice know. Burn up the phone lines. Let them know by constant calls. I'm not sure I would email this White House since they have shown what they do with the list. But at least burn up the phone lines letting them know that

the Commander in Chief needs to act as a Commander in Chief, and not an apologist in chief and that we should not put our soldiers at further risk by requiring them to gather forensic evidence, that we should not put the people of New York at further risk, and to leave them at Guantanamo to be tried there.

People who understand about war understand that in the whole history of mankind, the precedent is if you as a group declare war on another nation and you or your fellow warriors are captured, then you are held until such time as your fellow group will cease the war, whether it takes years, a 100-year war, a 7-year war, whatever it takes until you convince your people to quit being at war with us, then we hold you until the war is over, and then bring you to trial. That's what the precedent normally is. Whether it's 4 years as World War II, whatever the length of time, we hold you until your people are no longer at war with us as a Nation.

In this case, if you want to rush them, bring them to trial, fine. Do it with a military commission set up under the Military Commissions Act of 2006. We are going to try to amend it so that the President has no choice, so that this President learns you do not have the choice to put New Yorkers at risk.

It breaks my heart to think about the families of those victims of 9/11 and what they will be subjected to. As a judge, I saw the faces of family members who struggled with the aspect of going through and reliving the trauma of the terrible crime that was committed against them. I saw those faces. I heard their great suffering. I'm afraid it's not going to be nearly what that will be collectively of a city the size of New York as they have to relive 9/11 on the island. They have to relive the possibility of further terrorist attacks.

Certainly terrorist attacks will be threatened during the course of the trial. And, of course, you would expect the defense attorneys to wait until Khalid Sheikh Mohammed and these other terrorists have actually put their feet on American soil so they will be granted all the rights of an American citizen such as they were trying to kill as many of as they could. You wait until their feet are on American soil, and then you file your motion to change venue, then you file your motion for discovery, then you file your motions to examine experts and drag those things out as long as you can.

I ended up being asked to take over a civil trial in Texas that several judges had worked on prior to me. It was outside my district. But every judge had been recused for one reason or another. It had gone on for 11 years. I was asked to take it over, and it had been a logistical nightmare. And I was deemed to have done an amazing job in wrapping the case up in 2 years when both parties said when I got into it that they wouldn't bring a case to trial for perhaps 5 years.

But even working as quickly as I did and being as forceful as I was as the judge, not taking any extensions, not granting any type of continuances, forcing everything as quickly as could be done, and yet legally, it still took 2 years to wrap that thing up. And that was considered amazing.

With what is at stake here, the City of New York should suffer no more. No more. I went to New York shortly after 9/11. I saw the suffering. We should not do that to New Yorkers again. My goodness, they have suffered enough.

Having spent 4 years in the Army, being familiar with the military justice system, it isn't a slam dunk for anybody under the UCMJ. There are rights afforded individuals who are tried under the UCMJ. But that is the appropriate place to try people like Khalid Sheikh Mohammed who says "We are terrorists to the bone. So many thanks to God." We can also be thankful to God that all Muslims, in fact, the vast majority, do not feel as Khalid Sheikh Mohammed.

This man does not need to set foot on American soil. We need to have a President that starts acting like a Commander in Chief, not an apologist in chief, so that we can keep America as safe as we have been for the last 8 years and not as the terror will be reintroduced by the reintroduction of these masterminds in America.

With that, Mr. Speaker, I realize my time is now expired, and I would conclude.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GIFFORDS (at the request of Mr. HOYER) for today on account of illness.

Mr. HEINRICH (at the request of Mr. HOYER) for today.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today on account of personal business.

Mr. SKELTON (at the request of Mr. HOYER) for today on account of a codel.

Mr. TANNER (at the request of Mr. HOYER) for today and November 17 on account of presiding over the NATO Parliamentary Assembly's Fall Plenary Session.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRIFFITH, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, November 17, 18, 19 and 20.

Mr. JONES, for 5 minutes, today, November 17, 18, 19 and 20.

Mr. BURTON of Indiana, for 5 minutes, today, November 17, 18, 19 and 20.

Mr. INGLIS, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, November 18.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, November 17, 18, 19 and 20.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today, November 17 and 18.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 806. An act to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Oversight and Government Reform.

S. 1860. An act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on House Administration.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on November 5, 2009 she presented to the President of the United States, for his approval, the following bill:

H.R. 3548. To amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 17, 2009, at 10:30 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4644. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice (RIN: 0580-AA94) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4645. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Mushroom Promotion, Research, and Consumer Information Order [Doc. No.: AMS-FV-08-0047; FV-08-702-FR] (RIN: 0581-AC82) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4646. A letter from the Administrator, Department of Agriculture, transmitting the

Department's final rule — Onions Grown in South Texas; Change in Regulatory Period [Doc. No.: AMS-FV-09-0012; FV09-959-1 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4647. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit [Doc. No.: AMS-FV-09-0002; FV09-905-1 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4648. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Revision of Outgoing Quality Control Requirements [Doc. No.: AMS-FV-08-0045; FV08-981-2 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4649. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Research and Promotion Program; Designation of Cotton-Producing States; Secretary's Decision and Referendum Order on Proposed Amendments to the Cotton Research and Promotion Order [Doc. #: AMS-CN-09-0032; CN-08-003] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4650. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Increased Assessment Rate [Doc. No.: AMS-FV-09-0037; FV09-927-1 FR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4651. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Decreased Assessment Rates [Doc. No.: AMS-FV-09-0013; FV09-916/917-2 IFR] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4652. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate [Doc. No.: AMS-FV-09-0040; FV09-924-1 FR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4653. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Plastic Surgery Devices; Classification of Wound Dressing With Poly (Diallyl Dimethyl Ammonium Chloride) Additive [Docket No.: FDA-2009-N-0333] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4654. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Fospropofol into Schedule IV [Docket No.: DEA-327F] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4655. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — International Services Surveys: BE-150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions [Docket No.: 0807311000-9272-02] (RIN: 0691-AA67) received November 5, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Foreign Affairs.

4656. A letter from the Senior Advisor, OFAC, Department of the Treasury, transmitting the Department's final rule — Economic Sanctions Enforcement Guidelines received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4657. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS34) received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4658. A letter from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Amyotrophic Lateral Sclerosis (RIN: 2009-AN05) received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record on November 7, 2009]*

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3618. A bill to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes (Rept. 111-331 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3360. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes (Rept. 111-332). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted November 16, 2009]*

Mr. RAHALL: Committee on Natural Resources. H.R. 86. A bill to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; with an amendment (Rept. 111-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 118. A bill to authorize the addition of 100 acres to Morristown National Historical Park, with an amendment (Rept. 111-335). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2781. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 111-336). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2888. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin